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MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Northwest Exploration, Inc. v. United States of America, et al.,
Case No. A98-0086 CV (JKS)

FILED

JAN 26 1999

Office of
United States Attorney
Anchorage, AK

THE HONORABLE JAMES K. SINGLETON

Deputy Clerk: Patty Demeter, Case Management: 271-3235*

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

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PROCEEDINGS: ORDER FROM CHAMBERS

Defendants submitted a motion seeking clarification of the Court's order at Docket No. 26. *See* Docket No. 28. Plaintiff did not oppose the motion. Defendants assert that it was unnecessary for the Court to reach the issue of what law should control interpretation of an agreement purportedly made under the authority of the Department of the Interior and Related Agencies Appropriations Act of 1998, Pub. L. No. 105-83, § 120, 111 Stat. 1543, 1564-66 (1997). *See id.* at 3. The Court notes that, in order to determine whether Plaintiff's motion to amend was futile, it was necessary to determine if any interpretation of Plaintiff's First Cause of Action would satisfy the standard governing a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. *See* Docket No. 26 at 6-7. The Court suggested that the federal common law of contracts controlled the interpretation only to demonstrate that amendment was not necessarily futile. Because neither party provided sufficient reasoning to support their construction of the statute, the Court was left to demonstrate that there did exist reasoning under one potentially-applicable body of law that would support Plaintiff's amendment. However, the parties are free to construct any argument they can support to demonstrate what law should control construction of the statute in this case. The Court notes, however, that it will not accept conclusory or inadequately-reasoned arguments.

IT IS THEREFORE ORDERED:

The Motion at Docket No. 28 is **DENIED**. The parties are free to demonstrate to the Court what law should control the interpretation of the statutory terms at issue.

Entered at the direction of the Honorable James K. Singleton, United States District Court Judge.

DATE: January 26, 1999

* ALL INQUIRIES REGARDING THE SCHEDULING OR CALENDARING OF THIS CASE SHOULD BE DIRECTED TO THE ABOVE INDICATED CASE MANAGER.

Any request for other information or for clarification, modification, or reconsideration of this order, or for extension of time must be made in the form of a motion. *See* FED. R. CIV. P. 7(b)(1); D. Ak. LR 7.1(I). No one should telephone, fax, or write to chambers regarding pending cases. The Judge's secretary and law clerks are not permitted to discuss any aspect of this case, provide any information, or communicate with any person, including litigants, lawyers, witnesses, and the general public regarding pending cases.

EXHIBIT 8
Page 1 of 1

A98-0086--CV (JKS)

E. DENNIS (PLETCHER)
D. DUNSMORE (AUSA)

29